REMARKS

Claims 1-19 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Joao, *et al.* (U.S. Pub. No. 2001/0051920) (hereafter 'Joao). As will be shown below, Joao does not anticipate authorizing transactions as claimed in the present application. Claims 1-19 are therefore patentable and should be allowed. Applicants respectfully traverse each rejection individually below and request reconsideration of claims 1-19.

Claims 1- 19 Stand Rejected
Under 35 U.S.C. § 102 Over Joao

Claims 1-19 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Joao. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Joao does not disclose each and every element of claim 1, and Joao therefore cannot be said to anticipate the claims of the present application within the meaning of 35 U.S.C. § 102(a).

Independent claim 1 of the present application recites:

> Method for authorizing transactions against an account comprising:
>
> receiving a transaction comprising a request for authorization to charge an amount against the account;
>
> retrieving a communication device ID for a device associated with the account;
>
> determining the location of the communication device;
>
> determining the location of the transaction;
>
> comparing the location of the transaction with the location of the device; and
>
> processing the request.

Joao Does Not Disclose Determining The Location Of The Communication Device; Determining The Location Of The Transaction; And Comparing The Location Of The Transaction With The Location Of The Device.

The Office Action takes the position that Joao at page 4, paragraph 41, discloses the third, fourth, and fifth elements of claim 1: determining the location of the communication device; determining the location of the transaction; and comparing the location of the transaction with the location of the device. Applicants respectfully note in response, however, that what Joao at page 4, paragraph 41, in fact discloses is:

> [0041] In cases when the cardholder is the party to the transaction, he or she, having the communication device with, or on, his or her person, may authorize the transaction at the point-of-sale location or from his or her remote location. The cardholder may also program and/or set the communication device to automatically authorize or disapprove or disallow transactions.

That is, Joao at page 4, paragraph 41, discloses the ability of a cardholder to authorize or disapprove a transaction from a remote location. Joao's ability of a cardholder to authorize or disapprove a transaction from a remote location does not disclose determining the location of the communication device; determining the location of the transaction; and comparing the location of the transaction with the location of the device. Joao only discloses the ability of a cardholder to authorize or disapprove a transaction from a remote location – not determining the location of the communication device; determining the location of the transaction; and comparing the location of the transaction with the location of the device as claimed in the present application. In fact, Joao does not even mention at this reference point the term "determining the location" as claimed in the present application. Because Joao does not disclose at this reference point determining the location of the communication device; determining the location of the transaction; and comparing the location of the transaction with the location of the device as claimed in the present application, Joao cannot disclose determining the location of the communication device; determining the location of the transaction; and comparing the location of the transaction with the location of the device as claimed in the present application.

In addition to the fact that Joao, at the reference point cited by the Examiner, only discloses the ability of a cardholder to authorize or disapprove a transaction from a remote location and not determining the location of the communication device; determining the location of the transaction; and comparing the location of the transaction with the location of the device as claimed in the present application, there is a second reason that Joao does not disclose the third, fourth, and fifth elements of claim 1: determining the location of the communication device; determining the location of the transaction; and comparing the location of the transaction with the location of the device as claimed in the present application is done by comparing the location of the transaction with the location of the device and Joao does not disclose comparing the location of the transaction with the location of the device. Joao, at paragraph 41, discloses the ability of a cardholder to authorize or disapprove a transaction from a remote location without comparing the location of the transaction with the location of the device —which is not any of determining the location of the communication device; determining the location of the transaction; and comparing the location of the transaction with the location of the device as claimed in the present application. Joao does not disclose therefore: determining the location of the communication device; determining the location of the transaction; and comparing the location of the transaction with the location of the device as claimed in the present application. Because Joao does not disclose each and every element and limitation of Applicants' claims, Joao does not anticipate Applicants' claims, and the rejections under 35 U.S.C. § 102(a) should be withdrawn.

Relations Among Claims

Independent claims 8 and 14 are system and computer program product claims for authorizing transactions corresponding to independent method claim 1 that include "means for" and "means, recorded on [a] recording medium, for:" authorizing transactions. As explained above in detail, Joao does not disclose a method for authorizing transactions. Therefore, for the same reasons that Joao does not disclose or enable a method for authorizing transactions, Joao also does not disclose or enable a

system and computer program products for authorizing transactions corresponding to independent claims 8 and 14. Independent claims 8 and 14 are therefore patentable and should be allowed.

Claims 2-7, 9-13, and 15-19 depend respectively from independent claims 1, 8, and 14. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Joao does not disclose or enable each and every element of the independent claims, Joao does not disclose or enable each and every element of the dependent claims of the present application. As such, claims 2-7, 9-13, and 15-19 are also patentable and should be allowed.
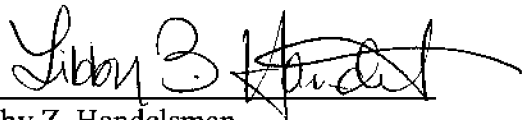
Conclusion

Claims 1-19 stand rejected under 35 U.S.C. § 102 as being anticipated by Joao. Joao does not disclose each and every element of Applicants' claims and does not enable Applicants' claims. Joao therefore does not anticipate Applicants' claims. Claims 1-19 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1-19.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

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